

LEGISLATURE OF THE STATE OF IDAHO
Sixty-first Legislature First Regular Session - 2011

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 162

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO HOSPITAL LICENSES AND INSPECTIONS; AMENDING SECTION 39-1392c, IDAHO CODE, TO REVISE CIVIL LIABILITY IMMUNITY PROVISIONS FOR HEALTH CARE ORGANIZATIONS OR OTHER PERSONS, TO PROVIDE AN EXCEPTION AND TO REVISE DISCLOSURE REQUIREMENTS; AND PROVIDING LEGISLATIVE INTENT.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 39-1392c, Idaho Code, be, and the same is hereby amended to read as follows:

39-1392c. IMMUNITY FROM CIVIL LIABILITY. (1) The furnishing of information or provision of opinions to any health care organization or the receiving and use of such information and opinions or actions taken or peer review decisions made based upon a peer review process shall not subject any health care organization or other person to any liability or action for money damages or other legal or equitable relief. However, this section shall not limit the right of any person to challenge the issuance, restriction or revocation of his or her own credentials or privileges by a health care organization, or of any health care organization to defend itself against such challenge, in a court of law. All information and opinions that are privileged and confidential under section 39-1392b, Idaho Code, shall remain privileged and confidential and shall not be subject to discovery or admissibility in any such case.

(2) Custodians of such records and persons becoming aware of such records, data, and opinions, actions or decisions shall not disclose the same except as authorized by rules adopted by the board of medicine or as otherwise authorized by law. Any health care organization may receive such disclosures, subject to an obligation to preserve the confidential privileged character thereof and subject further to the requirement that such requests shall be made and such use shall be limited to aid the health care organization in conducting peer review.

SECTION 2. LEGISLATIVE INTENT. The Legislature finds that it is important to protect and encourage the free exchange of information and opinions regarding peer review activities that include credentialing. The Legislature finds that the receiving and use of such information and opinions is synonymous with peer review decisions ultimately made based upon such information and opinions. Therefore, credentialing actions and other peer review decisions should be afforded the same treatment and protections including immunity for such actions and decisions.